HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1100 of 2007

Dated:01.03.2007

Between:

Mohd.Ahmed Ali.

…Petitioner

and

The Inams Tribunal (Revenue Divisional Officer) and others.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1100 of 2007

ORDER:

The petitioner herein is allegedly one of the legal heirs of Vazir Ali Bakshi, who is statedly Inamdar of land admeasuring Acs.49.29 guntas, in survey Nos.96 to 98 situated at Mallapur Village of Uppal Mandal in Ranga Reddy District. This land was sought to be acquired and the same was the subject matter in O.P.No.250 of 1997 on the file of the Court of
II Additional Senior Civil Judge, Ranga Reddy District. At that stage, the second respondent herein staked a claim placing reliance on an Occupancy Rights Certificate (ORC) issued by the first respondent on 11.04.2001. The petitioner then filed an application before the first respondent to set aside ORC, in vain. He preferred an appeal before the Joint Collector and the same was remanded to the first respondent on 15.04.2003. The petitioner alleges that the matter was again heard by the first respondent, who reserved the same for orders on 24.09.2004, but no orders were passed. However, the impugned memo, dated 09.01.2007 was issued to the petitioner stating that the order was already passed on 26.09.2005. Aggrieved by the same, the present Writ Petition is filed.

When the matter was heard at the preliminary stage, the learned Counsel for the petitioner vehemently contended that as the then Revenue Divisional Officer, who heard the matter and reserved for orders on 24.09.2004, never passed any order, the same was brought to the notice of the Revenue Divisional Officer. Then, the matter was reopened and without further hearing, the impugned order was issued

stating that the order, which was reserved on 24.09.2004, was already passed on 26.09.2005. The learned Counsel submits that without there being any order by the Revenue Divisional Officer, who heard the matter, the order is said to be passed, which is unsustainable.

Having regard to the nature of controversy, this Court directed the learned Government Pleader for Revenue (General-T) to produce the relevant record. The record is produced today. A perusal of the record would show that when the Counsel for the petitioner brought to the notice of the first respondent that the order was not passed by the then Revenue Divisional Officer, the matter was reopened and subsequently, the first respondent found the order, dated 26.09.2005 in the file, and therefore, the same was intimated by the impugned order, dated 09.01.2007. This is well documented in the note file as well as the current file, which is perused by this Court. Further, as rightly submitted by the learned Government Pleader for Revenue the order, dated 26.09.2005 passed by the first respondent was communicated to the second respondent as well as the Counsel for the petitioner as seen from the dispatch register. This position was also explained in the counter-affidavit filed by the first respondent. Therefore, this Court is not able to countenance any of the submissions made by the learned Counsel for the petitioner.

The petitioner is given liberty to obtain a certified copy of the order, dated 26.09.2005, and if so advised, prefer an appeal before the Joint Collector, who shall then consider the same having regard to the limitations prescribed under Section 24 of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955, and on its own merits.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

01.03.2007
GJ